

REMARKS

Reconsideration and allowance of the subject application are respectfully requested.

Claims 2-11 and 13-26 are pending.

Applicants note with appreciation the Examiner's indication that claims 2-11 and 13-23 are allowed.

Claims 24 and 26 stand rejected under 35 U.S.C. §102(e) as being anticipated by Bourgoïn. Also, claim 25 stands rejected under 35 U.S.C. §103 as being unpatentable over Bourgoïn. Applicants respectfully traverse these art grounds of rejection.

In rejecting claims 24-26, the Examiner relies on the recitation in column 1, lines 15-32 of Bourgoïn. This portion of Bourgoïn teaches that in a conventional CDMA network, the total power that will result from adding an additional user is compared to a threshold, and if this threshold is exceeded, the additional user is not permitted to enter the network. There is no disclosure or suggestion in this passage of Bourgoïn that a load level as a function of previous and current measured powers is calculated as recited in claims 24 and 26. Furthermore, there is no disclosure or suggestion that a load level as a function of previous and current number of users is calculated as recited in claim 25.

Therefore, claims 24-26 are not anticipated or rendered obvious to one skilled in the art by Bourgoïn.

CONCLUSION

In view of above remarks, reconsideration of the outstanding rejection and allowance of the pending claims is respectfully requested.

Pursuant to 37 C.F.R. 1.17 and 1.136(a), the Applicants respectfully petition for a one (1) month extension of time for filing a response in connection with the present application, and the required fee of \$120.00 is attached.

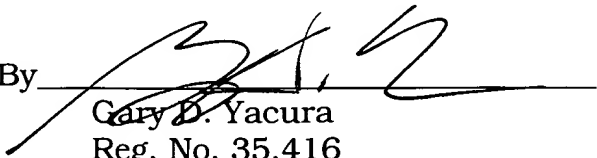
If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at number listed below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY & PIERCE, PLC

By


Gary B. Yacura
Reg. No. 35,416

GDY:jcp

P.O. Box 8910
Reston, VA 20195
(703) 668-8000